

REMARKS

Applicant submits this Amendment After Final in reply to the Final Office Action dated September 8, 2003. As an initial matter, Applicant gratefully acknowledges the Examiner's indication of the allowance of claim 3, and the allowability of the subject matter of claim 7.

In this Amendment After Final, Applicant have rewritten claim 7 into independent form and amended claim 8 to correct an inadvertent dependency error. Claims 1, 3, 5, and 7 are the sole independent claims. Applicant submits that claim 7 is now in *prima facie* condition for allowance.

Before entry of this Amendment, claims 1-8 were pending in this application. After entry of this Amendment, claims 1-8 are still pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the subject matter of amended claims 7 and 8. No new matter was introduced.

In the Final Office Action, the Examiner rejected claims 1, 2, 5, and 6 under 35 U.S.C. §103(a) as being unpatentable over Sonobe et al. (U.S. Patent No. 5,954,537) ("Sonobe"), and rejected claims 4 and 8 as being unpatentable over Sonobe in view of Belanger, Jr. et al. (U.S. Patent No. 5,885,091) ("Belanger"). Applicant respectfully traverses these rejections as set forth in the following remarks.

With regard to claim 1, on pages 3 and 4 of the Final Office Action, the Examiner wrote that "the press-fit contact of Sonobe is modified by protruding from the first surface for better facilitating contact with the cable in a different position; since such a modification would have involved a mere change in the size, in this case, the length, of a component." However, Applicant is unclear how changing the length of the any

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portion of the connector in Sonobe would result in the claimed invention. For example, change a length of the first surface (A), as alleged by the Examiner in the Office Action dated March 31, 2003, may result in a wider connector body 100. However, lengthening the first surface (A) to produce such a wider connector body 100 will not result in "a press-fit contact exposed from the first surface" as recited in claim 1, as the contacts 131, 141 will still be on side surfaces (C, C) as alleged by the Examiner. Furthermore, lengthening the side surfaces (C, C) in Sonobe may result in a taller connector body 100, but the contacts 131, 141 will still be on side surfaces (C, C). Accordingly, even if Applicant were to concede *in arguendo* that a mere change in size is generally recognized as being within the level of ordinary skill in the art, changing the size of any of portions in Sonobe does not result in the claimed invention. Thus, the Examiner has still not provided a proper motivation to establish a *prima facie* case of obviousness.

If anything, by alleging that it would have been obvious to make the contacts 131, 141 of Sonobe protrude from the first surface (A) instead of the side surfaces (C, C) (which the Examiner concedes on page 4 of the Final Office Action involves different positions), the Examiner is advocating a rearrangement of parts. However, "[t]he mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device." Ex parte Chicago Rawhide Mfg. Co., 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984). The Examiner has failed to provide such a motivation here,

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and, as set forth in Applicant's Amendment filed on June 19, 2003, Sonobe teaches against such a modification.

Specifically, Sonobe teaches against placing contacts 131, 141 on the first surface (A) of the housing 100, because Sonobe discloses that the conductor contact areas 21, 31 are held against the contacts 131, 141 on the connector body 100 by a pair of opposing plate pieces 111 and 112 acting as leaf springs. (Col. 3, lines 8-20) Sonobe does not disclose such a corresponding feature on the top portion of the retainer plate 110, thus, Sonobe does not disclose a way to ensure the conductor contact areas 21, 31 would be held against the contacts 131, 141 that would allegedly be on top of the connector body 100. Accordingly, one of ordinary skill in the art would not be motivated to modify Sonobe as suggested by the Examiner, because there would be no way to ensure an electrical connection between the conductor contact areas 21, 31 and the contacts 131, 141 is made, thus impermissibly rendering the prior art unsatisfactory for its intended purpose. In Re Gordon, 733, F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984). In addition, the conductor contact areas 21, 31 are disclosed as being configured so as to come into contact with the sides of the connector body 100, with a piece of the insulating cover layer 40 specifically covering cable portions that would correspond to the top portion of the connector body 100. (Figs. 1, 4, 5). As Sonobe does not disclose removing the insulating cover layer 40 so as to expose conductor contact areas 21, 31 that would correspond with contacts 131, 141 allegedly on top of the connector body 100, an electrical connection between the cable and the contacts 131, 141 cannot be made through the insulation. Thus, again, there is no motivation to modify Sonobe in the manner suggest by the Examiner as,

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again, it would impermissibly render the prior art unsatisfactory for its intended purpose.

In Re Gordon, 733, F.2d at 902, 221 U.S.P.Q. at 1127 Accordingly, because Sonobe teaches against modifying the reference as suggested by the Examiner, Applicant respectfully requests the allowance of independent claim 1 and its dependent claims 2 and 4.

With regard to independent claim 5, Applicant again asserts that the cited prior art references, either individually or in combination, do not teach or suggest the invention as set forth in claim 5. For example, the cited references do not teach or suggest a connection structure having, among other things, “a plurality of terminals in the connector housing having retaining contacts on the first surface.” (Emphasis added). Indeed, the Examiner does not assert otherwise in the Final Office Action. Moreover, Applicant asserts that all of the motivation arguments set forth above with regard to claim 1 apply to claim 5 as well, as claim 5 also recites “contacts on the first surface.” Accordingly, because the Examiner has failed to provide a proper case of *prima facie* obviousness with respect to independent claim 5, Applicant respectfully requests allowance of claim 5 and its dependent claims 6 and 8.

With regard to dependent claims 4 and 8, the Examiner wrote on pages 3 and 4 of the Final Office Action that “[i]t would have been obvious to one having ordinary skill at the time of the invention was made to modify the cover of Sonobe by providing a hinge between the cover and the housing as taught by Belanger for providing protection and insulation to the connection.” However, Applicant fails to see how simply providing a hinge between the cover and the housing provides protection and insulation. While a cover may provide protection and insulation, a hinge does not. Accordingly, because

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the Examiner has failed to provide a motivation to establish a proper *prima facie* case of obviousness, Applicant respectfully requests the allowance of claims 4 and 8.

Applicant further submits that claims 2, 4, 6, and 8 depend from one of independent claims 1, 3, 5, and 7, and are therefore allowable for at least the same reasons that each of those respective independent claims is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by Sonobe, Belanger, or the cited art, and therefore at least some also are separately patentable.

Applicant respectfully requests that this Amendment After Final under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-8 in condition for allowance.

Applicant submits that the proposed amendments of claims 7 and 8 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the Final Office Action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment After Final would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the Amendment After Final would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

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In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, abstract, and drawings in this Amendment After Final, it is to be understood that Applicant is in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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